



Entered on Docket
May 13, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,
USA Capital Diversified Trust Deed Fund, LLC,
USA Capital First Trust Deed Fund, LLC,¹
USA Securities, LLC,²

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FIRST
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED UPON INVESTMENT IN
THE ELIZABETH MAY REAL
ESTATE LOAN**

Hearing Date: May 8, 2008
Hearing Time: 10:30 a.m.

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's First Omnibus
2 Objection to Proofs of Claim Based Upon Investment in the Elizabeth May Real Estate
3 Loan (the "Objection") [DE 6099]. Adequate notice of the Objection was given. No
4 responses were filed to the Objection and no opposition was raised to the Objection at the
5 hearing on May 8, 2008. Good cause appearing,

6 IT IS ORDERED that the Objection is sustained and the Proofs of Claim listed on
7 Exhibit A attached are disallowed in their entirety because they were based entirely upon
8 an investment in the Elizabeth May Real Estate Loan.

9 ###

10 PREPARED AND SUBMITTED:

11 **LEWIS AND ROCA LLP**

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13 By: /s/ RC (#0006593)
14 Susan M. Freeman
15 Rob Charles
16 John Hinderaker
Attorneys for USACM Liquidating Trust

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
Susan M. Freeman
Rob Charles
John Hinderaker
Attorneys for USACM Liquidating Trust

**ELIZABETH MAY LOAN
FIRST OMNIBUS OBJECTION**

**EXHIBIT A
Single Loan Claims**

Claim	Name	Address	Total Claim Amount	Amount Subject to Objection Because it Relates to an Investment In the Elizabeth May Loan
10725-00527	Allergy Consultants Medical Group Inc.	c/o Dionisio Fernandes Trustee, 401 K Profit Sharing 4001 Oak Manor Court Hayward, CA 94542-1445	\$58,071.84	\$58,071.84
10725-02131	Suzanne Arbogast and Gregory R. Thompson Jt Ten	1005 West Buffington Street Upland, CA 91784	\$50,706.85	\$50,706.85
10725-00129	Donald M. and Janice I. Berman Trust	Donald M. and Janice I. Berman Trust Trustees 3775 Clover Way Reno, NV 89509	\$100,000.00	\$100,000.00
10725-01987	Daniel Carlton	4697 Hooktree Road Twentynine Palms, CA 92277	\$55,000.00	\$55,000.00
10728-00045	Daniel O. and Takeko Carlton Revoc Trust Dtd 4/30/97	c/o Daniel and Takeko Carlton Trustee 4697 Hooktree Road Twentynine Palms, CA 92277-6723	\$55,000.00	\$55,000.00
10725-01127	Wayne Dotson CO	Peter Bogart CEO 3 Hidden Lake Court Bluffton, SC 29910	\$56,000.00	\$56,000.00
10725-00140	Edward and Marge Fraser	Edward and Marge Fraser Trustees 14220 Sorrel Lane Reno, NV 89511	\$50,000.00	\$50,000.00
10725-01097	David Goetsch	1616 Jones Street Minden, NV 89423	\$50,000.00	\$50,000.00
10725-00450	Marilyn Goldstein	37 Linwood Road South Port Washington, NY 11050	\$50,542.70	\$50,542.70
10725-02194	Nancy Guyer and Todd Barrett	455 Enterprise Court Boulder City, NV 89005-1508	\$54,000.00	\$54,000.00